FILED

FEB 29 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY MB DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.: 08MJ 8186
v.	COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Jose Ernesto MARTINEZ-Siqueiros Defendant.	

The undersigned complainant being duly sworn states:

On or about February 28, 2008, within the Southern District of California, defendant Jose Ernesto MARTINEZ-Siqueiros did knowingly and intentionally import approximately 26.66 kilograms (58.65 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 29th DAY OF FEBRUARY, 2008.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Jose Ernesto MARTINEZ-Siqueiros

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Timothy L. Henderson.

On February 29, 2008, Jose Ernesto MARTINEZ-Siqueiros entered the United States at the Calexico, California West Port of Entry. MARTINEZ was the driver of a Dodge minivan registered in his name. Customs and Border Protection Officer (CBPO) L. Garcia took a negative Customs declaration from MARTINEZ. MARTINEZ was referred to secondary inspection.

Once in secondary, CBP Canine Enforcement Officer (CEO) S. Barela used his Narcotic Detector Dog (NDD) to screen the Dodge. The NDD alerted to the odor of controlled substances in the area of the dashboard of the vehicle.

CBPO J. Rodriguez received a second, negative, Customs declaration from MARTINEZ. A search of the Dodge resulted in the recovery of 22 packages containing a white powder concealed within the dashboard. A sample of the powder field-tested positive for cocaine. The total weight of the packages was 26.66 kilograms.

Special Agent (S/A) Timothy Henderson interviewed MARTINEZ. S/A L. Swanson read MARTINEZ his constitutional rights per Miranda in Spanish. MARTINEZ orally waived his rights, as well as signing the written waiver of rights, agreeing to make a statement.

MARTINEZ stated that he was told that marijuana would be in the Dodge. MARTINEZ said that he was to be paid to drive the controlled substance laden vehicle to 2nd Street in Calexico, California.